

REMARKS

This Response is submitted in reply to the Office Action dated April 9, 2007. Claims 1, 9, 11, 21, 22 and 42 have been amended. No new matter was added by these amendments. Claims 12 to 20, 23 to 41 and 49 to 56 are withdrawn without prejudice or disclaimer.

The Office Action noted that a PTO form 1449 for the references submitted on August 30, 2004 is missing and requested that Applicants resubmit these references in a Supplemental Information Disclosure Statement. Applicants submit a Supplemental Information Disclosure Statement herewith including these and additional references. Please charge Deposit Account No. 02-1818 for the Supplemental Information Disclosure Statement and any other amounts due.

In the Office Action, the Examiner issued a restriction requirement under 35 U.S.C. § 121, which requires Applicants to elect one of the following:

Species 1: Claims 1 to 11, 21, 22, 42 to 48, 57 and 58, drawn to a gaming device having one set of swapping indicators and a single rearrangement path;

Species 2: Claims 1, 12 to 20, 23 to 42 and 49 to 56, drawn to a gaming device and method having two sets of swapping indicators where each set is in connection with a single rearrangement path and the rearrangement paths with respective swapping indicators are non-overlapping; and

Species 3: Claims 1, 12 to 20, 23 to 42 and 49 to 56, drawn to a gaming device and method having two sets of swapping indicators where each set is in connection with a single rearrangement path and the rearrangement paths with respective swapping indicators are overlapping.

During a telephone conversation with Applicants' representative on March 22, 2007, a provisional election was made without traverse to prosecute the invention of Species 1 including Claims 1 to 11, 21, 22, 42 to 48, 57 and 58. Applicants hereby formally elect Species 1 without traverse and withdraw Claims 12 to 20, 23 to 41 and 49 to 56 without prejudice or disclaimer.

The Office Action rejected Claim 22 under 35 U.S.C. § 112 as being indefinite. Applicants have amended Claim 22 to address this rejection and place Claim 22 in condition for allowance.

The Office Action rejected Claims 1, 5, 6, 10, 11, 21, 22, 42, 43, 45 to 48, 57 and 58 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,855,054 to White ("White"). Applicants respectfully disagree with this rejection. Nevertheless, in order to expedite prosecution, Applicants have amended certain claims to clarify certain of the existing claim elements and place the claims in condition for allowance.

White discloses a gaming device including a plurality of symbols where at least one symbol may be interchanged with another symbol of the plurality of symbols. In one embodiment, after the gaming device randomly generates a combination of symbols, a player is given the opportunity to select a symbol for interchanging with another symbol in order to achieve a more advantageous symbol combination.

Amended independent Claim 1 is directed to a gaming device including at least one processor programmed to operate with at least one display device to: (a) generate and display a plurality of the symbols at their fixed positions on the reels; (b) provide a first award to the player for each winning combination of displayed symbols; (c) determine if the swapping indicators associated with the at least three symbols are displayed and are in a predetermined configuration to indicate the symbols to be rearranged, and, if so, automatically rearrange each of the indicated symbols to fixed positions of the other indicated symbols; and (d) provide a second award to the player for each winning combination of displayed symbols resulting from the rearrangement of the indicated symbols. (Emphasis added).

White does not disclose at least one processor programmed to operate with at least one display device to determine if swapping indicators associated with at least

three symbols are displayed and are in a predetermined configuration to indicate the symbols to be rearranged, and, if so, automatically rearrange each of the indicated symbols to fixed positions of the other indicated symbols. In White, the gaming device notifies the player if a symbol interchange is allowed and the player causes the interchanges of symbols in a manner permitted by the game. The symbol interchange is not automatic, it is at the player's discretion. For at least these reasons, Applicants respectfully submit that Claims 1, 5, 6, 10, 11, 21, 22, 42, 43, 45 to 48, 57 and 58 are patentable over White and stand in condition for allowance.

The Office Action rejected Claims 2 to 4, 7 to 9 and 44 under 35 U.S.C. § 103(a) as obvious over White in view of U.S. Patent No. 6,905,405 to McClintic ("McClintic"). For the same reasons as those set forth above, Applicants respectfully submit that Claims 2 to 4, 7 to 9 and 44 are patentable over the combination of White and McClintic and are in condition for formal allowance.

Applicants have made an earnest endeavor to place this application in condition for formal allowance and in the absence of more pertinent art, such action is courteously solicited. If the Examiner has any questions regarding this Response, Applicants respectfully request that the Examiner contact the undersigned.

Respectfully submitted,

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